

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HAZEL M. ROBY, etc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:05CV494-T
	)	
BENTON EXPRESS, INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

In its order of 10 January 2006 setting a discovery hearing on 23 January 2006, the court directed the parties to file a joint submission, i.e., a proposed protective order on or before 20 January 2006 (Doc. # 61). The defendant has now renewed its Motion For Protective Order, representing to the court that, in spite of in-person and telephone conferences with the plaintiff, “the Court’s intervention will be required to reach a resolution” (Doc. # 63).

Although the defendant does not precisely declare its willingness to provide the information requested by the plaintiff as long as it is the subject of an acceptable protective order, the court concludes that the discovery dispute is at least partially resolvable by a protective order. The court has set this matter for a hearing on 23 January 2006, but the parties remain obligated to use their best efforts to resolve the dispute.

Accordingly, while the court will not disturb the hearing date, the parties are again CAUTIONED that the court is reluctant to expend its scarce resources in the resolution of

discovery disputes when the discovery rules are unambiguous and when the lawyers are experienced trial counsel. Thus, if any aspect or portion of the dispute can be resolved via the issuance of a protective order, the parties, especially the plaintiff, would be prudent to make that determination before the hearing and be prepared to define with specificity for the court at the beginning of the hearing the elements of the remaining dispute.

DONE this 17<sup>th</sup> day of January, 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE